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SUBJECT: LEBANON: JUSTICE MINISTER DESCRIBES A STRONG  
SINIORA GOVERNMENT BUT PROBLEMS AHEAD FOR HARIRI TRIBUNAL

Classified By: Jeffrey D. Feltman, Ambassador. Reason: 1.4 (d)

#### Summary

1. (S) Receiving the Ambassador at his home 9/5, Justice Minister Charles Rizk described a bouyant Siniora government making progress on implementing UNSCR 1701 despite objections from Hizballah and its allies. Noting the arrival the following day of UN/OLA chief Nicolas Michel, Rizk also alerted us to potential problems in the next phases of the investigation into the assassination of Rafiq al-Hariri and the establishment of a Special Tribunal to try the crime. These include growing opposition from President Lahoud, the possible distraction from Speaker Berri, sensitivity surrounding Legal Advisor Michel's visit this week, and signs of weakness in Prosecutor Brammertz' case. End Summary.

2. (SBU) Ambassador and PolCouns met with Minister of Justice Charles Rizk at his home on September 5 to discuss the Cabinet's extraordinary meeting of the night before and upcoming events in the investigation and prosecution of the assassination of former PM Rafiq al-Hariri.

#### Cabinet Meeting Gives Siniora a Victory

3. (C) Rizk shared with us a readout of the September 4 Cabinet meeting, in which the Cabinet voted to request UNIFIL assistance in patrolling Lebanon's Mediterranean territorial waters in implementation of UNSCR 1701. Hizballah ministers complained that involving UNIFIL in this role would abandon Lebanon's sovereignty, Rizk noted. He responded in the meeting that Lebanon had already abandoned its sovereignty on land occupied by UNIFIL; why should anyone be concerned with its maritime sovereignty? The Hizballah ministers responded that they objected to giving UNIFIL "another territory" -- that is, the sea space.

4. (S) Despite the first split among the Shia ministers since the formation of the cabinet in July 2005, the mood in the cabinet was "good", according to Rizk. Still, with Iranian behavior and the stubbornness of Israel in maintaining the blockade, Rizk felt, Lebanon is in for a long conflict. Furthermore he predicted "stormy seas" ahead for the next few weeks due to the planned presentation of three reports -- UN SYG Annan's report on the implementation of UNSCR 1701,

Nicolas Michel's draft agreement on the Special Tribunal with international character for the Hariri assassination, and the Brammertz report now expected near the end of September.

#### Trouble for the Special Tribunal

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15. (S) Rizk noted a number of possible obstacles to the formation of a Special Tribunal to try figures allegedly involved in the assassination of Rafiq al-Hariri. President Lahoud, Rizk's friend of long years, has been getting "nervous" according to Rizk, and has now openly decided the Special Tribunal is a "bad thing." It is unclear whether Lahoud's apparent opposition to the Tribunal is part of his longstanding pattern of pushing the Syrian agenda in Lebanon, often proactively, or whether he has something specific to fear from the prosecution -- a prospect Rizk doubts. Rizk predicted that he may soon begin to object that the four generals imprisoned since last year may be in prison for nothing -- a claim that their lawyer Naji Boustany has already made to local media.

16. (S) This week's planned visit of UN Legal Advisor Nicolas Michel may also run into trouble, according to Rizk. Parliament Speaker Nabih Berri has said that he won't meet Michel during his visit, which is a key blow -- Michel was to have sought this week to finalize the text of the statute governing the Special Tribunal, and the statute must be passed by the Lebanese Parliament. Berri unconvincingly claimed that his time and energies have been consumed in the Parliament sit-in he kicked off last Saturday to protest the air and sea blockade, and he has up to now followed through on his pledge to decline meetings with foreign delegations. Whether Berri is merely making a point or holding the

BEIRUT 00002863 002 OF 002

Tribunal statute hostage to the blockade issue, his refusal to meet with Michel does not bode well for an efficient passage of the statute, Rizk deemed.

17. (S) Rizk and Michel have also felt the need to explore ways of handling his visit that would reduce alarm on the part of the Tribunal's would-be opponents. Michel suggested that they term his visit a "working visit" despite the fact that Michel's main purpose in coming to Beirut will be to formally tender to Rizk a final proposal for the statute. For his part, Rizk decided to term the proposal the "UN version" in order to suggest that some negotiating room remains.

18. (S) UNIIIC Commissioner Serge Brammertz still plans to submit his report at the end of this month, but his case may be in trouble, Rizk allowed. Brammertz told Rizk to prepare for an extension of the investigation's mandate beyond June 2007, indicating that he may need to seek additional evidence and more time. Brammertz also proposed to delay Michel's visit, saying that it was "indecent" to pursue the business of the statute while Lebanon is in the midst of a conflict. His real reason may have been to delay work on the statute until there is more evidence. Rizk said he would favor proposing that Brammertz take on the position of Prosecutor for the Special Tribunal, but that he feared Brammertz would decline.

#### COMMENT

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19. (S/NF) Despite his childhood friendship with Emile Lahoud, Rizk has been a strong supporter of the UNIIIC and the move toward a Special Tribunal. Indeed, Rizk must have greatly disappointed Lahoud, who surely insisted on Rizk for the Justice Ministry in the belief Rizk would protect Lahoud's interests (which seem to overlap 100 percent with Syria's interests). But instead of listening to his friend Emile, Rizk has listened to another voice -- an inner voice of Maronite ambition that told him that his best (if not

only) chance of achieving the presidency was to break politically with Lahoud and show the March 14 politicians that he would promote the investigation and trial of the Hariri assassination. Lahoud is now quoted in the media as being disgusted with his former friend, leading to phone calls of solidarity from the March 14 crowd to an amused and delighted Rizk. But Rizk's commitment to the Hariri investigation and trial (or his "betrayal," in Lahoud's view) has a downside. Rizk has received an increasing number of security warnings to be careful. Our meeting with him today took place just after another key link in the Hariri investigation, an ISF officer, was the target of a double car bomb. Rizk told us that he was staying home because of the warnings he received, and he phoned the Ambassador later to request that we pass on any threats we might pick up that are targeted at him.

FELTMAN